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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,304	06/08/2006	Spiros Gratsias	011348-0021-999	5133
20583	7590	11/24/2008		
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			EXAMINER PAYER, HWEI SIU CHOU	
			ART UNIT	PAPER NUMBER
			3724	
			MAIL DATE	DELIVERY MODE
			11/24/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,304	<b>Applicant(s)</b> GRATSIAS ET AL.	
	<b>Examiner</b> HWEI-SIU C. PAYER	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## Detailed Action

The amendment filed on August 4, 2008 has been entered.

### Claims Rejection - 35 U.S.C. 112, second paragraph

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) The scope of claims 15-19 is vague because it is not clear exactly what method step of manufacturing a wet shaving system is being claimed therein. Claims 15-19 do not have a positive method step recitation for manufacturing a wet shaving system.

### Claim Rejection - 35 U.S.C. 102(b)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by King et al. (U.S. Patent No. 6,167,625).

King et al. discloses a wet shaving system (Fig.2) comprising at least one blade (12/14), a platform (16,18,20,22) and a guard bar (11) having two ends (38, see Fig.3) and positioned forward of the at least one blade (12/14) and parallel to the blade cutting edge (see Fig.1, not labeled), said platform (16,18,20,22) having parts molded over said ends (38) of said guard bar (11) as claimed (see Fig.1).

#### **Claims Rejection - 35 U.S.C. 103(a)**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (U.S. Patent No. 6,167,625) in view of Schachter (U.S. Patent No. 4,998,347).

The shaving system of King et al. as set forth shows substantially all the claimed limitations except the guard bar (11) is preferably formed of elastomeric material (see column 4, line 40-41) rather than the claimed stainless steel, and cross section of the guard bar is not substantially circular.

However, it is notoriously old and well known in the art to use metal material such as "stainless steel" for a razor guard bar that has a substantially circular cross-section

as evidenced by Schachter (see stainless steel guard bar "12" in Fig.1 and column 5, lines 22-25)

Thus, it would have been obvious to one skilled in the art at the time this invention was made to use a well known and commercially available material such as Schachter's stainless steel for the guard bar of King et al. and to shape the guard bar so that it has a substantially circular cross-section as in Schachter. The modification is obvious because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp.

3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (U.S. Patent No. 6,167,625).

The shaving system of King et al. as set forth shows substantially all the claimed limitations except the guard bar (11) is formed of elastomeric material rather than wood.

However, the claimed wood material is not patentably distinct over King et al. since applicants have not specifically pointed out the criticality of using the claimed wood material for the guard bar, but have disclosed it as an example of various materials that may be used. Further, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

4. Claims 14-19, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (U.S. Patent No. 6,167,625) in view of Brown, Jr. et al. (U.S. Patent Application Publication No. 2003/0208907).

King et al. discloses a process for manufacturing a wet shaving system (Fig.2) comprising at least one blade (12/14), a platform (16,18,20,22) and a guard bar (11) having two ends (38, see Fig.3) and positioned forward of the at least one blade (12/14) and parallel to the blade cutting edge (see Fig.1, not labeled). The difference between the process of King et al. and the claimed invention resides in the sequence of the method steps. Specifically, in King et al., the platform is formed first with a recess (29) in which the guard bar (11) is then insert molded to fill the recess (see column 4, lines 17-19). The claimed method has the sequence reversed (forming the guard bar first and then molding the platform over the ends of the guard bar).

Brown, Jr. et al. teaches performing a part of a shaving system (in this case, a blade) first and then insert molding a platform of the shaving system over ends of such part (see the abstract and paragraphs [0009] and [0051]-[0060]).

Therefore, to reverse the sequence of the method steps of King et al. so that the guard bar is formed first before the platform is molded over ends of the guard bar would have been obvious to one skilled in the art because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp.

The structural limitations as in claims 15-19 and 27 have been carefully considered but are deemed not to import any method step on the process of manufacturing a wet shaving system and accordingly cannot serve to distinguish.

Regarding the product-by-process claim 26, the wet shaving system of King et al. as set forth appears to be identical to the claimed product. The patentability of a product does not depend on its method of production. See MPEP 2113.

## **Remarks**

Applicant's arguments with respect to claims 14 and 27 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments regarding claim 20 has been fully considered but they are not persuasive. Specifically, King et al. clearly shows, in Fig.1, the platform having parts molded over the ends of the guard bar (11) as claimed. In other words, the two ends (38) of the guard bar (11) shown in Fig.3 having parts of the platform molded thereover as seen in Fig.1.

## **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H Payer  
November 19, 2008

/Hwei-Siu C. Payer/  
Primary Examiner, Art Unit 3724